The Purposes of the *Freedom of Information and Protection of Privacy Act*

The purposes of the ***Freedom of Information and Protection of Privacy Act*** according to Section 2 of the Act are:

a) to allow any person a right of access to the records in the custody or under the control of a public body, subject to limited and specific exceptions as set out in the Act,

b) to control the manner in which a public body may collect personal information from individuals, to control the use that a public body may make of that information and to control the disclosure by a public body of that information,

c) to allow individuals, subject to limited and specific exceptions as set out in the Act, a right of access to personal information about themselves that is held by a public body,

d) to allow individuals a right to request corrections to personal information about themselves that is held by a public body, and

e) to provide for independent reviews of decisions made by public bodies under this Act and the resolution of complaints under this Act.

The Purposes of the *Health Information Act*

The purposes of the ***Health Information Act*** according to Section 2 of the Act are:

a) to establish strong and effective mechanisms to protect the privacy of individuals with respect to their health information and to protect the confidentiality of that information,

b) to enable health information to be shared and accessed, where appropriate, to provide health services and to manage the health system,

c) to prescribe rules for the collection, use and disclosure of health information, which are to be carried out in the most limited manner and with the highest degree of anonymity that is possible in the circumstances,

d) to provide individuals with a right of access to health information about themselves, subject to limited and specific exceptions as set out in this Act,

e) to provide individuals with a right to request correction or amendment of health information about themselves,

f) to establish strong and effective remedies for contraventions of this Act, and

g) to provide for independent reviews of decisions made by custodians under this Act and the resolution of complaints under this Act.

The Purposes of the *Personal Information Protection Act*

The purposes of the ***Personal Information Protection Act*** according to section 3 of the Act is:

> ...to govern the collection, use and disclosure of personal information by organizations in a manner that recognizes both the right of an individual to have his or her personal information protected and the need of organizations to collect, use or disclose personal information for purposes that are reasonable.

Copies of this report are available from:

Office of the Information and Privacy Commissioner
410, 9925 - 109 Street, Edmonton, Alberta T5K 2J8
Tel: (780) 422-6860 Fax: (780) 422-5682
Website: www.oipc.ab.ca E-mail: generalinfo@oipc.ab.ca

Office of the Information
and Privacy Commissioner

410, 9925 - 109 Street
Edmonton, Alberta
Canada T5K 2J8
Tel: (780) 422-6860
Fax: (780) 422-5682
E-mail: generalinfo@oipc.ab.ca

January 31, 2006

Honourable Ken Kowalski
Speaker of the Legislative Assembly
325 Legislature Building
10800 - 97 Avenue
Edmonton, Alberta
T5K 2B6

Dear Mr. Speaker:

I am pleased to submit to you the Annual Report of the Office of the Information and Privacy Commissioner, covering the period from April 1, 2004 to March 31, 2005.

This report is submitted under Section 63(1) of the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, Chapter F-25, Section 95(1) of the *Health Information Act*, R.S.A. 2000, Chapter H-5, and Section 44(1) of the *Personal Information Protection Act*, S.A. 2003, Chapter P-6.5.

Yours truly,

Franklin J. Work, Q.C.
Information and Privacy Commissioner

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■ COMMISSIONER'S MESSAGE

Privacy Compliance in the Private Sector?

Or...Living with PIPA: The Private Sector Experience?

The *Personal Information Protection Act* came into force on January 1, 2004. A year and a half later, this legislation is seen to be manageable, reasonable and workable in the private sector. In some cases, the existence of this law is paying significant dividends for Albertans.

The statistics we have kept since the Act came into force tell us that stakeholders are feeling the effect of the law:

- 3973 queries
- 119 presentations
- 698 reviews/complaints opened
- 342 reviews/complaints closed
- 10 Investigation Reports published
- 13 inquiries scheduled

In this reporting period, most of the complaints from the public have been resolved on the basis of Investigation Reports and mediated settlements by this Office. An Investigation Report is done when this Office gets a complaint and one of our Portfolio Officers goes out, determines the facts and writes a report making recommendations to the parties. If the complainant and the organization agree to the report, it gets signed off and the matter is concluded on the basis of the Investigation Report. If there is no agreement, then, as Commissioner, I hold an inquiry and issue an order.

Many of the issues that have arisen have been systemic issues that reflect the conflicts that develop for us as a society. Many of these problems occur as a result of the application of technology to aspects of our lives:

- Video surveillance
- Consumer profiling
- Challenges of safeguarding personal information
- Pre-employment screening and other workplace privacy issues

We have seen a number of significant issues under the Act resolved on the basis of published Investigation Reports. The Investigation Reports on Linens 'N Things, Nordon Collection Network and Digital Communications Group addressed the failure to safeguard personal information; Hoffman Holdings concerned video surveillance in the workplace; and EPCOR and ATCO/Direct Energy pertained to consumer profiling and customer authentication.

What this suggests to me is that the private sector is getting on side with this legislation; this sector has in some cases exceeded expectations in adopting the new rules. What this also suggests to me is that this Office is bringing forward reasonable applications of the law; applications which both complainants and organizations find acceptable. This is not to say that because a matter has to go to inquiry, someone is not onside: there are some very complex issues here that will no doubt require full hearings to determine a reasonable outcome.

The issues we have been faced with and the outstanding work done on the cases by the people who work in this Office have resulted in excellent media coverage in Alberta and nationally. This is not a matter of aggrandizement for this Office: the issues we are confronted with are not unique to Alberta. These are national issues and if we are able to inform, enlighten or even simply notify others of these issues, it is value added. We have been very fortunate in this regard in having good, cooperative relationships with the other Information and Privacy Commissioners in Canada, in particular with the Privacy Commissioner of Canada and the Information and Privacy Commissioner of British Columbia.

Perhaps the most startling revelation for me was the connection between poor information management practices in the private sector, identity theft and fraud and the drug trade. Sometimes you have to be lucky to be good and when, in November of 2004, I saw an announcement by the Edmonton Police Service that they had found large amounts of "commercial paper" in an alleged drug den, I wanted to know how it got there.

The EPS detectives were very helpful and we realized that the *Personal Information Protection Act* could be a significant tool in combating identity theft and fraud – an unexpected pay-off of the legislation. Not only does identity theft and fraud have a significant monetary cost for individuals and society, but also a social cost in that the money gained by this kind of fraud goes to fuel the drug trade, crystal meth in particular.

I am not naïve: I know there are some very difficult issues in this area that have not yet been dealt with: drug and alcohol testing and surveillance in the workplace come to mind. I also know that compliance is neither uniform nor perfect throughout the province. I fully expect that some of these issues will, quite rightly, necessitate inquiries and that is the role of this Office. Notwithstanding that, we have made good progress in Alberta with respect to the protection of personal information in the private sector. The *Personal Information Protection Act* is making a difference.

■ INTRODUCTION

Background

The Alberta *Freedom of Information and Protection of Privacy* (FOIP) *Act* received Royal Assent on June 1, 1994, although most of the Act did not come into force until October 1, 1995. The *Health Information Act* (HIA) was passed by the Alberta Legislature in 1999 and came into force on April 25, 2001. The *Personal Information Protection Act* (PIPA) was passed by the Alberta Legislature in 2003 and came into force on January 1, 2004. Franklin J. Work, Q.C., was appointed as the province's second Information and Privacy Commissioner in 2002.

Mandate

Under the Acts, the Commissioner is responsible for performing a broad range of functions. Section 53 of the FOIP Act, Section 84 of the HIA, and Section 53 of the PIPA set out a number of these responsibilities:

- Informing Albertans about the FOIP Act, the HIA, and the PIPA.
- Reviewing the access to information decisions of public bodies under the FOIP Act.
- Reviewing the access to information decisions of custodians under the HIA.
- Reviewing the access to information decisions of organizations under the PIPA.
- Investigating how public bodies, custodians and organizations collect, use and disclose personal and health information to make sure that an individual's privacy is being protected.
- Conducting investigations of public bodies to ensure compliance with the FOIP Act.
- Conducting investigations of custodians to ensure compliance with the HIA.
- Conducting investigations of organizations to ensure compliance with the PIPA.
- Hearing comments from the public about how the Acts are being administered.
- Researching anything affecting the achievement of the FOIP Act, the HIA and the PIPA's purposes.
- Commenting on the privacy and information implications of proposed legislation and programs.
- Informing the heads of public bodies, custodians, and organizations when applicants have not been adequately served under the Acts.
- Giving advice and recommendations about the Acts to heads of public bodies, custodians, and organizations.
- Authorizing the collection of personal information from sources other than the individual the information is about.

■ ORGANIZATIONAL STRUCTURE 04–05

COMMISSIONER

Human Resources & Finance*

Legal*

Information Technology*

HIA Team*

FOIP Team*

PIPA Team* [Calgary]

**Each Team is led by a Director*

Research & Issues Manager

Director, Policy & Consultation

Admin Assistant

Adjudicator

Inquiries Clerk

■ EDUCATION AND PUBLIC RELATIONS

Under Section 53 of the FOIP Act, Section 84 of the HIA, and Section 36 of the PIPA, one of the Commissioner's responsibilities is to inform the public about the Acts, as well as to receive comments from the public concerning the administration of the Acts. This is an important function to help Albertans understand their access and privacy rights.

Many organizations or groups are looking for basic explanations and descriptions of the Acts and the function of the Office of the Information and Privacy Commissioner (OIPC). Other times, groups have specific questions or concerns with regard to the effect the Acts have, or will have, on information management relative to specific areas. The OIPC is open to helping Albertans interpret the Acts and to understand issues surrounding access to or privacy of information.

The following are some of the educational initiatives undertaken by the OIPC over the past year:

- HIA overview for Bow Valley College, Calgary
- HIA & Research Ethics
- Researcher's role vis-à-vis HIA disclosure for research
- Privacy presentation to St. Francis Xavier High School, Edmonton
- FOIP/PIPA/HIA presentation to HR students at University of Alberta, Edmonton
- FOIP/PIPA/HIA presentation to HR students at Grant MacEwan College, Edmonton

Some of the Conferences and presentations OIPC addressed over the past year:

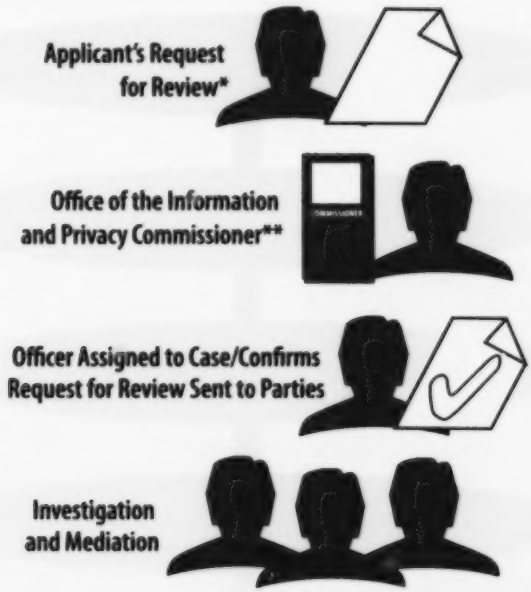
- Alberta Health Records Association Conference, Edmonton
- Canadian Institute for Health Information Partnership Conference, Calgary
- University of Alberta Access and Privacy Conference, Edmonton
- Health Information Protection Act Conference, Regina
- Electronic Health Records Conference, Vancouver
- Investigators' Conference, Regina
- Canadian Bar Association Administrative Law Section, Privacy Update and Privacy Law Essentials for the Administrative Law Lawyer, Edmonton
- FOIP Considerations in Staffing workshop at the Personnel Administration Office, Edmonton
- FOIP and Human Resources presentation at Sustainable Resource Development, Edmonton
- HIA – An Overview presented to the AB Podiatry Association, Edmonton
- Consistent Application of HIA Severing Principles – Capital Health, Edmonton
- Consistent Application of HIA Severing Principles – Aspen Health, Westlock
- FOIP, PIPA and HIA presentation at the Society for Retired and Semi-Retired, Edmonton
- PIA for Local Primary Care Initiative Office & AHW, Edmonton
- PIPA presentation to the Petroleum Services Association of Canada, Red Deer
- PIPA presentation to the Independent Financial Brokers Summit Meeting in Calgary
- Presentation on private sector privacy to the Hospitality, Financial & Technology Professionals, Southern Alberta Chapter in Banff
- PIPA presentation to the Canadian Condominium Institute, Edmonton
- PIPA presentation to the Insurance Institute of Southern Alberta, Calgary

- Private sector privacy presentation to the IBEW Plan Members, Edmonton
- PIPA presentation to the Institute of Professional Accountants, Banff
- Private sector privacy presentation to the Canadian Bar Association Sub-Section, Edmonton
- Privacy Officers Forum PIPA presentation, Calgary
- Practical Tips for Handling Health Information – Treaty 8, Edmonton
- HIA presentation to Health Care Providers, Edmonton
- PIPA presentation to Business Link, Edmonton
- PIPA presentation to Anderson Career Training Institute, Edmonton
- HIA/FOIP Presentation to Churchill Retirement Community, Edmonton
- PIPA presentation to Crossroads C & I (Wholesale Distribution Company), Edmonton
- HIA presentation to University of Calgary Medical Clinics, Calgary
- HIA presentation to Neurosurgical Associates, Edmonton
- Physician Office System Program Spring/Fall 2004 Change Management Workshops (Grande Prairie, Edmonton, Red Deer, Calgary, Edson, Lethbridge, Medicine Hat)
- HIA research presentation to Tom Baker Cancer Centre, Calgary
- FOIP presentation to Alberta College of Social Workers, Edmonton
- ARMA Canadian National Conference 2004 - Health Information Management vis-a-vis Privacy Legislation, Vancouver
- College of Physicians and Surgeons Annual Research Symposium, Edmonton
- Private sector privacy presentation made to the Workplace Privacy Conference, Vancouver, BC
- PIPA presentation to Nymity Inc., Toronto
- PIPA presentation to the Institute of Internal Auditors Western Regional Conference, Edmonton
- Insight Conference, privacy sector privacy presentation, Edmonton
- PIPA presentation to the Alberta Health & Safety Conference, Edmonton
- Rural Electrification Association, PIPA presentation, Edmonton

Some External Committees the OIPC staff are involved with:

- Government of Alberta Cross-Ministry ID Theft Initiative (Solicitor General and Alberta Government Services, Co-Chairs)
- Outsource Agreements Project Committee (Alberta Government Services and the OIPC, Co-Chairs)
- Provincial FOIP Coordinators' Forum (Alberta Government Services, Chair)
- Provincial Fraud Awareness Month (Edmonton Police Service, Chair)
- Human Resource Directors' Council (Cross Government of Alberta Committee)
- Organizing Committee, U of A's Access and Privacy Conference
- POSP Vendor Conformance and Usability Requirements (VCUR) 2006 Technical, Privacy and Security Working Group
- U of A, Access and Privacy 2005 Planning Committee

THE PROCESS: REQUEST FOR REVIEW AND INQUIRY


Applicant's Request for Review*
Office of the Information and Privacy Commissioner**
Officer Assigned to Case/Confirms Request for Review Sent to Parties
Investigation and Mediation
Mediation Successful
Mediation Not Successful
Agreement between Applicant and Public Body, Custodian, or Organization
Commissioner's/Adjudicator's Inquiry
ORDER
Commissioner's/Adjudicator's Order

* Applicant: a person who makes a request for information held by a public body, custodian or organization or a person who is affected by a public body's, custodian's or organization's collection, use or disclosure of that information.

** The Commissioner/Adjudicator is not involved with the Request for Review until the Inquiry stage

■ MEDIATION AND INVESTIGATION

The role of the Information and Privacy Commissioner is regulatory. The Commissioner's authority to mediate and investigate is extensive.

The processes involved in mediation and investigation within the OIPC are separate and distinct. Mediation is used to describe the activities involved in the review of an access request. Investigation is used to describe the activities involved in the resolution of complaints.

Mediation

Should an individual not be satisfied with the decisions made by the public body/custodian/organization in response to a request for access to information, the individual may approach the Commissioner and ask for a review to be conducted. The request for a review must be received by the Commissioner's Office no later than 60 days from receipt of the public body/custodian's response (section 47(2)(a) of the PIPA requires that the request be delivered within 30 days of the individual being notified of the organization's decision). Section 66(2)(ii) of the *FOIP Act and section 74(2)(b)of the HIA* allow the Commissioner to accept a request for review after the 60-day period if he so decides (section 47(2)(b) of the PIPA authorizes the Commissioner to allow a longer period). Upon receipt of a request for review, the Commissioner assigns a Portfolio Officer to mediate. The FOIP and Health Information Acts allow 90 days for the purpose of mediation or any longer period authorized by the Commissioner. The PIPA does not impose a time limit.

During mediation, the Portfolio Officer acts as a facilitator between the public body/custodian/organization and the applicant with the goal of negotiating a mutually acceptable resolution of the dispute. Mediation involves extensive review of the records at issue, the interpretation and application of various pieces of complex legislation, identification of concrete issues and the presentation of findings to the parties. Mediation is extremely effective in resolving disputes (see Table 4, page 17) over access to records and/or the duty imposed by Section 10 of the FOIP Act and Section 10 of the HIA (section 27 in the PIPA is the equivalent "Duty to Assist" provision), as can be seen in the statistics that follow this discussion. On occasion where a resolution cannot be reached, mediation has assisted in reducing the number of issues that proceed to inquiry.

Investigation

Complaints result when a public body/custodian/organization appears to be contravening the privacy provisions outlined in the FOIP Act, the HIA and the PIPA. They usually involve the alleged unauthorized collection, use and disclosure of personal information/health information by a public body/custodian/organization. Upon receipt of a privacy complaint, the Commissioner assigns a Portfolio Officer to investigate the matter. Unlike mediation, there is no set 90-day time period for the completion of an investigation.

During the investigation, the Portfolio Officer endeavours to piece together the events that led to the alleged breach and determine whether or not the collection, use or disclosure of personal information/health information was indeed a contravention of the FOIP Act, the HIA or the PIPA. An investigation may involve extensive interviews with parties and interpretation and application of legislation. The findings and recommendations of an investigation are provided to the parties involved and may be presented in a formal investigation report that may be publicly released. The findings and recommendations of an investigation may have far reaching implications.

Inquiry

If no resolution is reached during mediation, an individual may ask that the matter proceed to inquiry. Complainants may ask for an inquiry if they are not satisfied with the findings of the Portfolio Officer's investigation and if the complaint relates to their own personal or health information (the PIPA does not explicitly say that a complaint has to be about an individual's own information). A Commissioner's inquiry is a formal quasi-judicial process where the Commissioner decides issues of fact and law to resolve a review or a complaint and issues an Order. An Order issued by the Commissioner is final and the only avenue of appeal is Judicial Review before the Court of Queen's Bench.

■ OIPC STATISTICS: 2004-2005

TABLE 1: Cases Opened 2004-2005 Fiscal Year FOIP, HIA, PIPA

Statistics are from the period April 1, 2004 to March 31, 2005

Case Type	FOIP	HIA	PIPA	AMVIR
Request for Review	162	40	54	7
Excuse Fees	7	0	0	0
Complaint	65	22	128	0
Privacy Impact Assessments (PIA)	13	217	0	0
Advice and Direction	3	1	0	0
**Time Extension	25	0	0	0
Investigation Generated by Commissioner	4	19	6	0
Authorization to Disregard a Request	3	3	0	0
*Other	22	12	0	0
TOTAL	304	314	188	7

AMVIR Statistics are from the time period the Legislation came into force May 12, 2004 to March 31, 2005.

*Case types identified in the "Other" category include: Requests for Information, Comments on Schemes and Programs, Research Proposal Agreements, Data Sharing Agreements and Non-jurisdictional.

Please refer to Appendix A for a complete listing of the cases opened in the 2004-2005 fiscal year

TABLE 2: Cases Closed 2004-2005 Fiscal Year FOIP, HIA, PIPA

Statistics are from the period April 1, 2004 to March 31, 2005

Case Type	FOIP	HIA	PIPA	AMVIR
Request for Review	144	35	35	1
Excuse Fees	11	0	0	0
Complaint	46	13	69	0
**Privacy Impact Assessments (PIA)	11	214	0	0
Advice and Direction	2	1	0	0
Time Extension	22	0	0	0
Investigation Generated by Commissioner	2	21	3	0
Authorization to Disregard a Request	6	3	0	0
*Other	19	12	0	2
Total	263	299	107	3

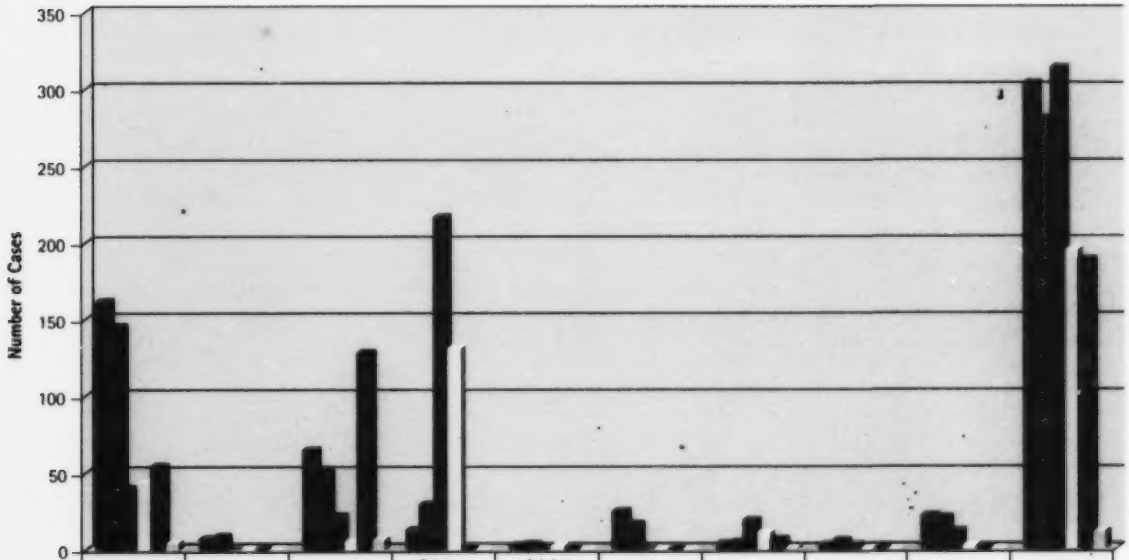
AMVIR Statistics are from the time period the Legislation came into force May 12, 2004 to March 31, 2005.

**Please refer to Appendix D for a complete listing of the PIAs accepted by the Commissioner in the fiscal year 2004-2005.

*Case types identified in the "Other" category include: Requests for Information, Comments on Schemes and Programs, Research Proposal Agreements, Data Sharing Agreements and Non-jurisdictional.

Please refer to Appendix B for a complete listing of the cases closed in the 2004-2005 fiscal year.

GRAPH 1: Total Number of Cases Opened – A Two Year Comparison

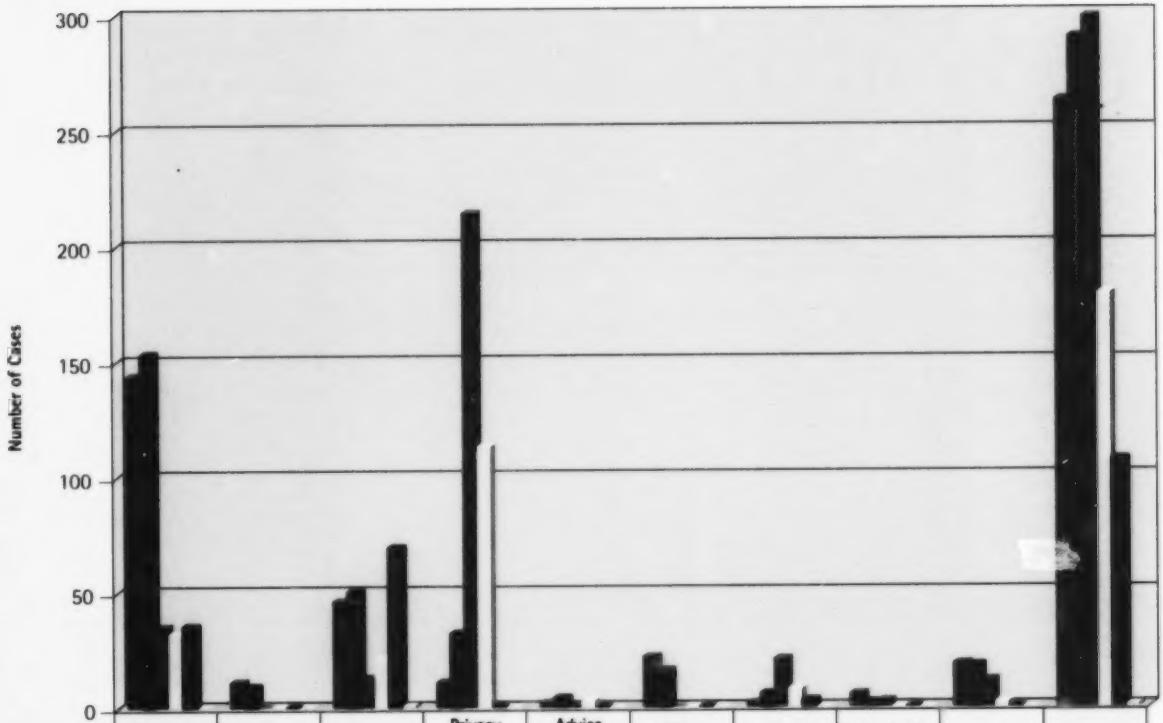


	Request for Review	Excuse Fee	Complaint	Privacy Impact Assessment	Advice and Direction	Time Extension	Investigation Generated	Authorization to Disregard	*Other	TOTAL
FOIP Cases Opened 2005	162	7	65	13	3	25	4	3	22	304
FOIP Cases Opened 2004	145	8	50	29	3	16	4	5	20	280
HIA Cases Opened 2005	40	0	22	217	1	0	19	3	12	314
HIA Cases Opened 2004	44	0	5	131	2	0	11	0	2	195
PIPA Cases Opened 2005	54	0	128	0	0	0	6	0	0	188
PIPA Cases Opened 2004	4	0	6	0	0	0	1	0	0	11

*Case types identified in the "Other" category include: Requests for Information, Comments on Schemes and Programs, Research Proposal Agreements, Data Sharing Agreements and Non-jurisdictional.

Note: AMVIR cases are not included in Graph 1; please see Table 1.

GRAPH 2: Total Number of Cases Closed – A Two Year Comparison



	Request for Review	Excuse Fee	Complaint	Privacy Impact Assessment	Advice and Direction	**Time Extension	Investigation Generated	Authorization to Disregard	*Other	TOTAL
FOIP Cases Closed 2005	144	11	46	11	2	22	2	6	19	263
FOIP Cases Closed 2004	153	9	50	32	4	16	6	2	18	290
HIA Cases Closed 2005	35	0	13	214	1	0	21	3	12	299
HIA Cases Closed 2004	32	0	21	113	3	0	8	0	2	179
PIPA Cases Closed 2005	35	0	69	0	0	0	3	0	0	107
PIPA Cases Closed 2004	0	0	1	0	0	0	0	0	0	1

*Case types identified in the "Other" category include: Requests for Information, Comments on Schemes and Programs, Research Proposal Agreements, Data Sharing Agreements and Non-jurisdictional.

Note: AMVIR cases are not included in Graph 1; please see Table 1.

TABLE 3: Cases Opened by Public, Bodies Subject to the Legislation, and Commissioner on own Motion

Statistics are from the period April 1, 2004 to March 31, 2005

TYPE	NUMBER OF CASES	PERCENTAGE
FOIP		
Investigation Generated by Commissioner	4	2%
Public Bodies	59	19%
*Public	241	79%
Total	**304**	**100%**
HIA		
Investigation Generated by Commissioner	19	6%
Custodian	231	74%
*Public	64	20%
Total	**314**	**100%**
PIPA		
Investigation Generated by Commissioner	6	4%
Organization	0	0%
*Public	182	96%
Total	**188**	**100%**
AMVIR		
Investigation Generated by Commissioner	0	0%
Public Bodies	0	0%
*Public	7	100%
Total	**7**	**100%**

AMVIR Statistics are from the time period the Legislation came into force May 12, 2004 to March 31, 2005.

*Includes individuals, media, agents, third party agents, agent applicants, MLAs, companies, others, special interest groups.

TABLE 4: Percentage of Cases Closed by Resolution Method

Statistics are from the period April 1, 2004 to March 31, 2005

Resolution Method	Number of Cases [FOIP]	Number of Cases [HIA]	Number of Cases [PIPA]	Number of Cases [AMVIR]	TOTAL	Percentage
*Resolved by Mediation/Investigation	203	48	107	0	358	94%
Resolved by Order	20	2	0	1	23	6%
TOTAL	**223**	**50**	**107**	**1**	**381**	**100%**

AMVIR Statistics are from the time period the Legislation came into force May 12, 2004 to March 31, 2005.
FOIP Orders: 20 (total of 27 cases) HIA Orders: 2 (total of 3 cases)

Note: Some Orders and/or Report Numbers were assigned to more than one case.

Note: Orders are recorded by the date the Order was signed, rather than the date the Order was publicly released.

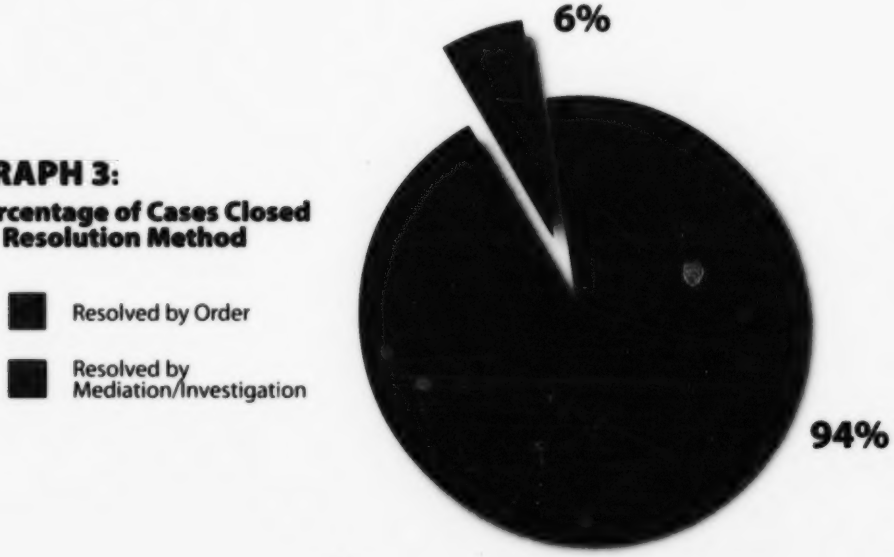
Note: *Under the legislation, only certain case types can proceed to inquiry if the matters are not resolved at mediation/investigation. The above statistics are those case types that can proceed to inquiry (Request for Review and Complaint files).

Please refer to Tables 1 and 2 and Appendices A and B for total cases opened and closed.

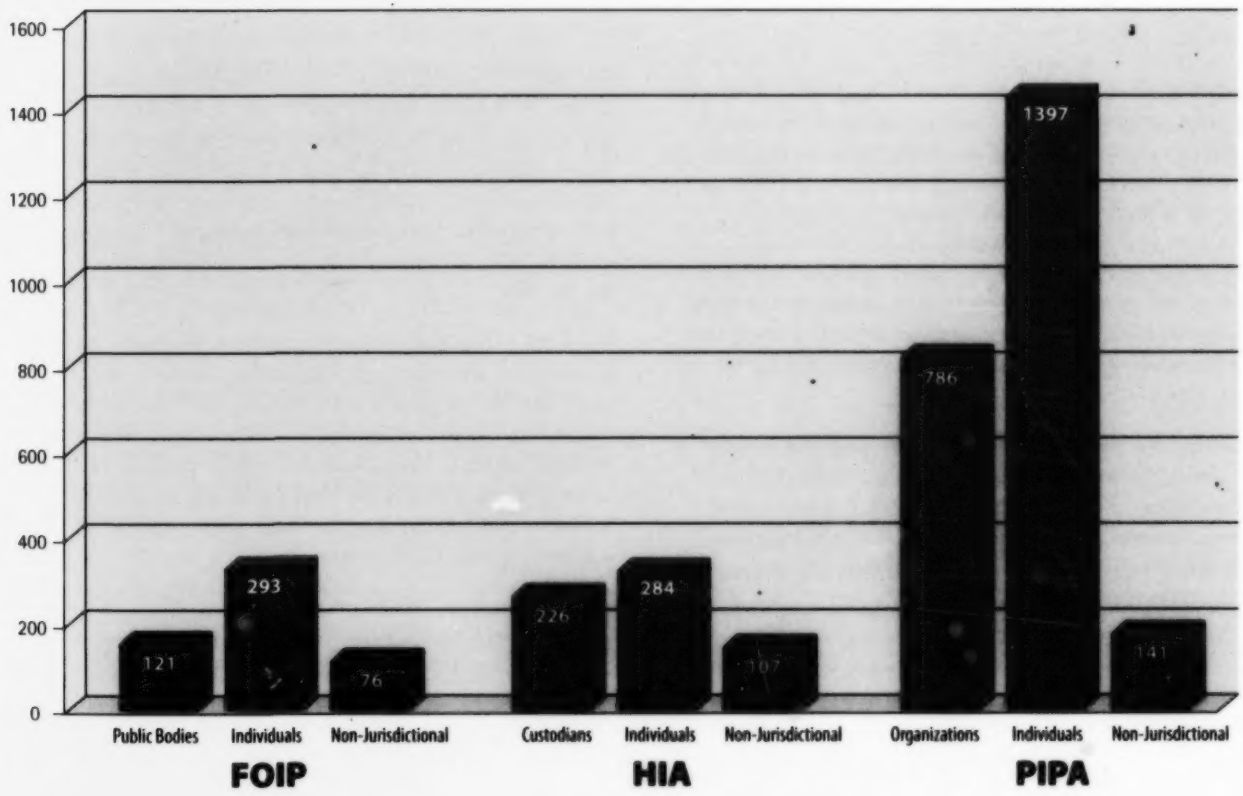
A copy of all Orders and Investigation Reports are available on the Office's web site www.oipc.ab.ca

GRAPH 3:

Percentage of Cases Closed by Resolution Method



GRAPH 4: FOIP, HIA and PIPA Non-case Related Telephone and E-mail Enquiries April 1, 2004 to March 31, 2005



■ LEGISLATIVE DEVELOPMENTS

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER OF ALBERTA

Access to Motor Vehicle Information Regulation (May 2004)

The Access to Motor Vehicle Information Regulation (AMVIR), a regulation under Alberta's Traffic Safety Act, came into effect on May 1, 2004.

AMVIR authorizes the Registrar of Motor Vehicle Services to grant access to personal driving and motor vehicle information only for specific purposes. Despite the fact (common to Canadian provinces) that the release of motor vehicle registry information is outside the jurisdiction of access and privacy legislation, AMVIR allows any person to request a review by the Information and Privacy Commissioner of the Registrar's decision to grant or deny access to this information. A request for review must be made within 60 days of publication of that decision on the Registrar's website.

The function performed by the Commissioner in relation to AMVIR is limited. The Commissioner is restricted to reviewing decisions to grant or deny access to personal driving and motor vehicle information by the Registrar. The Commissioner does not have a general power to investigate complaints related to access under AMVIR.

Substantially similar finding (October 2004)

The Governor in Council (federal cabinet) found that Alberta's *Personal Information Protection Act (PIPA)* is substantially similar to the *Federal Personal Information Protection and Electronic Documents Act.*

The substantially similar finding means the provincial law rather than the federal law governs the collection, use and disclosure of personal information by private-sector organizations in Alberta. Personal information in the custody or control of private-sector organizations as it relates to commercial transactions or activities is subject to PIPA. Personal employee information is also covered by the PIPA.

The PIPA allows the Commissioner to review the decisions of private sector organizations to deny an individual access to their own personal information, or to refuse a request for correction to their own personal information. Individuals may also make a complaint to the Commissioner if they believe their personal information has been collected, used or disclosed without proper authority or without their consent.

■ FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FOIP)

Under the FOIP Act, individuals may ask the Commissioner to review a public body's response to their access to information requests or requests for correction of personal information. Third parties may also ask the Commissioner to review a public body's decision to release their information in response to an access request.

The FOIP Act allows the Commissioner to investigate complaints that personal information has been collected, used or disclosed in contravention of the FOIP Act or to initiate investigations on his own motion to ensure that public bodies are in compliance with the FOIP Act.

Cases Opened

In 2004-2005, the Commissioner opened a total of 304 cases under the FOIP Act. This is an 8.5% increase from the 280 cases opened the previous fiscal year.

Two hundred and forty one (or 79%) of the FOIP cases opened were initiated by the public such as individuals, media, agents, third parties, businesses, etc. The remaining 63 (or 21%) of the FOIP cases opened were initiated by public bodies.

Requests for Review Received

In 2004-2005, 162 (or 62%) of the Requests for Reviews received by OIPC were related to access requests made pursuant to the FOIP Act. Of these cases, 41% were with provincial government ministries, 20% with law enforcement agencies, and 20% with municipalities.

Complaints Received

In 2004-2005, the Commissioner authorized 69 privacy investigations under the FOIP Act (65 in response to complaints and 4 on his own initiative). Twenty-two (or 32%) of the investigations were with provincial government ministries; 11(or 16%) with boards; and 10 (or 15%) with law enforcement agencies.

Resolution by Mediation/Investigation

Of the 265 FOIP cases closed in 2004-2005, 223 could have proceeded to inquiry. However, the FOIP Team successfully resolved 203 cases (or 91%) through the mediation/investigation process, leaving 20 cases to be resolved by Commissioner's Order.

Consultation

The FOIP Team provides consultation to public bodies on complex and multi-jurisdictional issues relating to access and privacy. This includes reviewing and commenting on program initiatives, policies, procedures and practices such as:

- Working with school jurisdictions and university researchers to develop a better understanding of the application of the FOIP Act in relation to research projects in schools; clarifying issues that are relevant to the FOIP Act and issues that are outside the FOIP Act.
- Liaising with school jurisdictions, media and police services on the issue of alcohol and drug testing and detection programs in schools.

Privacy Impact Assessments

The FOIP Act does not require public bodies to prepare a Privacy Impact Assessment (PIA) or submit the PIA to the Commissioner for review and comment.

However, public bodies recognize that a PIA can be a useful tool to assist in identifying and assessing privacy implications and risks for new or enhanced initiatives.

Public bodies may use the PIA template developed by the Commissioner's Office or a PIA form of their own design.

Some public bodies have adopted the use of a Privacy Impact Statement (a shortened version of a PIA) to assess privacy implications on enhancements to existing programs or initiatives.

The Commissioner recommends that public bodies continue to use PIAs when considering new programs or initiatives that include personal information.

Investigation Reports

F2004-IR-003 (Issued December 2004)

Alberta Personnel Office and Solicitor General

In November 2004, the Edmonton Police Service recovered documents containing personal information of senior government employees in a hotel room during a credit card investigation. The documents were related to the credit screening process required under the Alberta Government Security Screening Directive (the Directive).

The Commissioner received two complaints from affected employees on this matter and authorized an investigation pursuant to the FOIP Act. On December 16, 2004, the Commissioner publicly released the report on the findings and recommendations of the investigation conducted by his Office.

The investigation found that the Privacy Impact Assessment regarding the Directive, which was accepted by the Commissioner in January 2003, was not followed. As a result, personal information was collected in contravention of the FOIP Act. In addition, the investigation found that PAO and Solicitor General did not fulfill their obligations to protect personal information as required by the FOIP Act. Both PAO and Solicitor General accepted the recommendations outlined in the investigation report.

Orders

F2004-032 (Issued February 2005)

Adjudicator orders Calgary Police Service to release records

The Applicant requested access under the FOIP Act to information regarding a complaint filed with the Calgary Police Service (CPS), including case notes, witness statements and a chapter from a procedures manual of the CPS.

The CPS released the responsive records but severed excerpts from the procedures manual, relying on sections 18 (individual health or safety, or public safety) and 20 (law enforcement). The Adjudicator found that the CPS had not provided evidence to fulfill the "harms" tests necessary for the application of section 18 and 20. The Adjudicator also found that there was nothing on the face of the records to support an expectation that harm would result from disclosure, and ordered the records released.

F2004-017 (Issued March 2005)

Commissioner upholds decision to withhold records regarding legal costs incurred by the Alberta Government

The Applicant applied to Alberta Justice for access to information regarding the legal costs incurred by the Alberta Government in proceeding with the case entitled, *Reference Re: Firearms Act.*

The Commissioner found that "solicitor-client privilege" applied to the records and that Alberta Justice had properly applied section 27(1) of the *FOIP Act.* The Applicant had not established that the matter was of compelling public interest and therefore the override provision found in section 32 (public interest) did not apply.

HEALTH INFORMATION ACT (HIA)

Health Information Act (HIA) has been in force since April 25, 2001. The law applies to custodians, which includes regional health authorities, hospitals, nursing homes, pharmacists, physicians and other health service providers paid under the Alberta Health Care Insurance Plan to provide health services. The Information and Privacy Commissioner is responsible for reviewing the access to information decisions of custodians, investigating how custodians collect, use and disclose health information and ensuring that reasonable measures have been taken to protect the privacy and confidentiality of that information.

This past year the HIA Team focused its efforts on overseeing the implementation of electronic health record systems (EHRs), assessing regional health authority (RHA) compliance strategies and assisting with the legislated three year review of the HIA.

EHR Comments

Fiscal 2004 saw continued implementation of EHRs in Alberta. There are four key EHR applications in various stages of implementation: the provincial EHR and three regional EHRs that consist of Capital Health's netCARE, Calgary Health Region's EHR and the Regional Shared Health Information Project (RSHIP), which is a collaboration of the seven non-metro health regions using a suite of integrated applications and a shared data centre delivery model. Oversight for the implementation of EHRs is a priority for the Commissioner and accounts for a significant percentage of the HIA Team's resources. The HIA Team works collaboratively with custodians during the implementation process to assist in the examination of reasonable safeguards to protect health information.

The HIA requires custodians to prepare and submit a Privacy Impact Assessment (PIA) to the Commissioner for review and comment prior to implementing a new practice or system or making a change to an existing practice or system. A PIA is the tool through which a custodian assesses confidentiality, privacy and security. We are pleased to report this year saw a 90 percent increase in the number of PIAs reviewed. We believe this demonstrates an increase in custodian efforts to comply with PIA requirements and provides reasonable assurance that proper safeguards are in place to protect the health information of Albertans.

The HIA Team has also continued its involvement with the Physician Office System Program (POSP) in the examination and establishment of Vendor Conformance and Usability Requirements (VCUR), which include privacy and security standards for the implementation of an electronic medical record for a physician's office. The POSP has diligently worked towards assisting physicians in meeting HIA requirements. It is noteworthy that 98 POSP PIAs were reviewed this year.

RHA Compliance Strategies

The HIA Team has seen an increased level of involvement with regional health authorities in the early examination of privacy and security breaches. This is the result of our recommendation to custodians to self report breaches. This affords our Office an opportunity to actively assist the custodian in its examination and determination of the action necessary to address the incident.

This year also saw the first of what will become an annual regional health authority HIA compliance meeting. This meeting, with key RHA staff responsible for confidentiality, privacy and security matters, collaboratively examines each RHAs level of compliance with the HIA, which could lead to recommendations to address gaps.

Legislative Review of the HIA

This fiscal year saw the first mandated review of the HIA by an all-party Committee appointed by the Legislative Assembly. One HIA Team member provided technical support to the Committee during this review process.

Due to an impending provincial election call, the Committee was unable to address all of the issues that were identified through the consultation process. As a result, the Committee recommended that some matters, such as scope of the HIA and harmonization with the pan-Canadian health information privacy and confidentiality network, be deferred to a future committee of the Legislature.

The Committee made a total of 59 recommendations regarding the legislation. Alberta Health and Wellness has committed to examining these recommendations for potential amendments of the HIA during fiscal 2005.

Orders

H2004-004 (Issued July 2004)

Commissioner confirms Custodian's decision not to correct or amend professional opinion

The Applicant alleged that Dr. Goldie (the Custodian) improperly refused to correct or amend her physician office records in contravention of the Health Information Act. The commissioner found there was no error or omission in the Applicant's health information that could be corrected under the Act. The commissioner issued Order H224-004, in which he confirmed the Custodian's decision not to correct or amend health information that was an accurate description of the Custodian's professional opinion and observations.

H2004-005 (Issued January 2005)

Commissioner finds Custodian disclosed health information for purposes of a court proceeding in accordance with the Act

The Complainant said that Dr. Murji (the Custodian) disclosed his health information to the Canadian Medical Protective Association (CMPA) in contravention of the *Health Information Act*. The Complainant had brought a medical malpractice action against three physicians but not against the Custodian who was the complainant's treating physician. The CMPA, which is a defence organization or quasi-insurer for physicians, was representing the three defendant physicians. In an interview with legal counsel for the CMPA, the Custodian disclosed information about the Complainant's medical treatment. The Complainant had expressly objected to the interview.

The Commissioner issued order H2004-005, in which he found that section 3(a), which says the Act does not limit information otherwise available by law to a party to legal proceedings, allows the Act and the common law to co-exist and did not remove this disclosure from the scope of the Act. He found the Custodian disclosed the health information in accordance with section 35(1)(h) of the Act as the information was disclosed for the purpose of a court proceeding. Section 58(2) of the Act did not apply as the only issue was whether the Custodian could grant the interview, not the amount of information disclosed during the interview. The Commissioner also found that the Custodian had properly exercised her discretion to disclose.

On March 23, 2005, Commissioner Frank Work filed Order H2004-005 in the Court of Queen's Bench of Alberta. As provided by section 80(6) of the HIA, Order H2004-005 is now enforceable as a judgement or order of that Court.

■ PERSONAL INFORMATION PROTECTION ACT (PIPA)

Under the PIPA, individuals may ask the Commissioner to investigate complaints that personal information has been collected, used or disclosed in contravention of the PIPA or to initiate investigations on his own motion to ensure compliance with the Act.

Also under the PIPA, individuals may ask the Commissioner to review an organization's response to their access request, or requests for correction of personal information.

Cases Opened:

2004-2005 was the first full year under the new legislation. In this period, the Commissioner opened a total of 188 cases. Seventy-two percent (72%) of the cases were complaints, and twenty-eight percent (28%) of the cases were requests for review. Investigations of complaints requires extensive fact-finding, educating organizations about the new act and their obligations, and becoming familiar with industry standards and regulations in the wide variety of organizations that make up the business and non-profit sector.

Resolution by Mediation/ Investigation

Of the 188 PIPA cases opened in 2004/2005, 107 were closed. The PIPA Team successfully resolved 100% of the cases through the mediation/investigation process. In this time period, no cases were resolved by a Commissioner's Order.

■ THE ISSUES

Over the past year the OIPC was involved in, or highlighted, a number of issues related to access and privacy in Alberta and Canada. The Commissioner has the mandate to inform Albertans about issues affecting their access and privacy rights, including identifying schemes and programs from the provincial and federal governments that have access and privacy implications in Alberta.

Commissioner urges businesses to consider privacy obligations before implementing RFID technology

(April 2004)

Commissioner Frank Work urged Alberta businesses to consider their privacy obligations prior to implementing radio frequency identification (RFID) devices.

RFID tags are commonly used in the retail industry to track inventory and purchasing information. Similar to bar codes, the tags contain data that can be transmitted and collected by the organization utilizing the technology.

RFID chips can be embedded into products and clothing and covertly read without the knowledge of the individual. A small tag embedded into an article of clothing could be activated every time the customer entered or left the store where the item was bought. That tag could also be read by any other business or government department that has installed a compatible reader.

While RFID tags are currently used primarily to identify and manage products, the technology has the potential for a much wider application. As a result, organizations need to be aware that there may be privacy implications when RFID product identification data is linked to a specific individual, for example through credit card or loyalty card information.

Commissioner Work wanted businesses to consider some key points prior to implementation:

- Whether the same purpose may be achieved using less invasive means.
- If the decision is made to use RFID technology, ensure that it is done in an open and transparent way; this means informing individuals that products contain RFID tags, and obtaining their consent when necessary.
- Similarly, individuals must be made aware of the specific purpose for which their personal information is being collected, and organizations must use the information only for that purpose.
- Strict controls regarding security and the integrity of the technology must be implemented.
- Individuals should have the ability to deactivate or disable RFID tags, as appropriate.
- Any personal information collected should be retained only as long as necessary to carry out the original purpose.
- Individuals should have the ability to ask questions about the technology and receive accurate, timely responses from the organization.

Commissioner urges schools to consider privacy obligations before implementing drug detection programs

(April 2004)

Recent media reports during this time highlighted the concern some school administrators have regarding illicit drug use among students, a concern which the Commissioner also shares. Some reports indicated schools are contemplating methods of determining the potential presence of drugs on school premises, most notably through 'drug sniffing dogs' or use of individual drug use detection devices, specifically saliva tests.

While the Commissioner appreciated the schools' desire to ensure a safe environment for its students, he wanted to remind schools that they have certain obligations under

the *FOIP Act*. Drug detection programs may involve the collection of personal information and as such the provisions of the FOIP Act need to be considered.

The Commissioner stressed that the FOIP Act is not intended to prevent or diminish school efforts to address safety and health issues or in detecting and preventing possible criminal activities. In fact, the FOIP Act when applied correctly promoted these efforts.

The Commissioner advised schools to consider the least privacy intrusive methods, when contemplating policies for drug use prevention and detection:

- Individually applied drug tests generally only detect the presence of a drug. Consumption could have occurred days or even weeks prior. Observant and involved school officials may be able to reach similar conclusions in their day-to-day interaction with students.
- Drug sniffing dogs may be cost excessive and a similar effect can be accomplished by encouraging students and staff to report illegal activity to school officials.

If a decision is made to use a detection process or test:

- Ensure that it is done in an open and transparent way, with a written policy that is communicated to students and parents.
- Ensure the policy addresses all FOIP requirements, including the school's authority to collect personal information, provisions that address use and disclosure of the personal information and provisions that address security, accuracy and retention of records.
- Ensure that individuals have the ability to ask questions about the policy.
- Use detection tests only as the last resort; and
- Do not use random tests.

The Commissioner was encouraged that schools were actively pursuing effective methods for combating illicit drug use among youth. However, as drug detection programs are significant invasions of an individual's privacy, the Commissioner recommended that alternate, less intrusive, methods be considered first, including education, peer support and counseling.

OIPC clarifies when health service providers can disclose patients' health information

(July 2004)

Following a story from Vancouver (*Vancouver Sun*, page A01, July 10, 2004) involving the tragic death of a young woman and the issue of whether health service providers should have spoken to the woman's family about her condition prior to her death, the health service providers claimed that privacy laws precluded them from discussing the woman's condition with her family.

The Office of the Information and Privacy Commissioner (OIPC) wanted to make sure that health service providers in Alberta were aware of circumstances under which they can discuss a person's health information with others.

Alberta's *Health Information Act* gives health service providers significant discretion in determining when health information should be released to family members. Health service providers can provide general information on the patient's condition, diagnosis and prognosis to family members or others with a close personal relationship. Likewise, family or others with a close personal relationship can be contacted where an individual is injured, ill or deceased. Both of these provisions stipulate that the disclosure of information can only take place if the patient has not requested that this information not be disclosed.

Of course, should a health service provider feel that the disclosure of health information is necessary to minimize or avert an imminent danger to the health or safety of any person, the information can be released to any person. If someone feels that a health service provider

has not exercised their judgment properly in releasing information, they can ask the Information and Privacy Commissioner to review the matter. The Commissioner will consider whether a reasonable person in the position of the health service provider would have done the same thing at that time.

Alberta, British Columbia and Federal Privacy Commissioners provide guidelines for how provincial and federal private-sector privacy laws work together

(July 2004)

Frank Work, Information and Privacy Commissioner issued a "Question and Answer" document to help private sector organizations and individuals understand the application of Alberta and British Columbia's *Personal Information Protection Acts (PIPAs)* and the federal *Personal Information Protection and Electronic Documents Act (PIPEDA)*. These laws set national standards for privacy practices in the private sector.

The document was developed by the Alberta and the British Columbia Information and Privacy Commissioners, in consultation with the Office of the Privacy Commissioner of Canada. The document is intended to answer questions that organizations and individuals may have about jurisdiction for privacy oversight and how the laws work together.

The creation of these guidelines was part of the cooperative work undertaken by the Alberta, British Columbia and Federal Privacy Commissioners. The intent of this cooperation was to simplify and harmonize privacy protection to ensure that it is both practical for businesses and respectful of citizens' privacy rights.

Commissioner releases investigation report regarding privacy complaints against EPCOR

(July 2004)

Frank Work, Information and Privacy Commissioner, received privacy complaints against EPCOR, an electric utility company. The Complainants said EPCOR contravened the *Personal Information Protection Act* (PIPA or the Act) by collecting personal information in excess of what was necessary to manage customer accounts.

Complainants were especially concerned about the collection and use of social insurance numbers, and other personal information for authenticating callers over the telephone. The investigation found that:

- The company did not adequately notify customers as to the purposes for which social insurance numbers were used, and did not obtain the appropriate form of consent for these purposes,
- The company was collecting personal information beyond what was required for their business purposes,
- Although security practices were in place, adjustments to access protocols were needed to safeguard and ensure the confidentiality of social insurance numbers.

EPCOR had instituted new privacy procedures prior to January 1, 2004, but readily acknowledged the need for changes to its procedures in response to customer concerns. EPCOR committed to undertake a privacy audit and work with the Office of the Information and Privacy Commissioner to ensure full compliance with the recommendations of the investigation.

Commissioner responds to the Final Report of the Select Special Health Information Act Review Committee

(October 2004)

The Information and Privacy Commissioner issued his comments on the release of the Final Report of the Select Special *Health Information Act* Review Committee.

There were a number of positive outcomes arising from the Committee's recommendations including:

- The authority to publish ethics committee research approvals on a website as it provides for increased openness, accountability and transparency for Albertans,
- Recommending against certain disclosures without consent, specifically disclosure for common or integrated government programs.

The Commissioner also had a number of concerns with some of the Committee's recommendations, including the failure to address substantive issues such as:

- The issue of expanding the scope of the Act to include privately funded health professionals, organizations and health clinics of post-secondary educational institutions was deferred to a committee of the Legislature to be established in early 2005. The Commissioner believes that this leaves a gap in legislation with no provincial access or privacy legislation for the privately funded health sector and needs to be addressed immediately.

Also deferred to the future 2005 committee:

- examining the need for more clear and transparent rules for the electronic health record,
- harmonizing the Act to the rules of the pan-Canadian health information privacy and confidentiality framework,
- whether genetic information should be explicitly addressed,
- whether health service provider information should remain under the Act,
- the Commissioner's request for the explicit right to conduct and compel information for purposes of conducting audits, and
- the Commissioner's request for explicit power to enter into extra-provincial agreements and to consult and delegate extra-provincially.

The Commissioner was not opposed to the creation of a discretionary authority for custodians to disclose limited registration information to law enforcement agencies for the purposes of obtaining search warrants or subpoenas. However, he opposed the creation of mandatory disclosure and reporting of health information to law enforcement and was concerned about the lack of certainty for custodians.

Commissioner releases investigation report regarding a complaint about disclosure of customer information among the Melrose Rural Electrification Association, ATCO Electric and Direct Energy Marketing Limited.

(October 2004)

Frank Work, Information and Privacy Commissioner, received a privacy complaint concerning the above named organizations. The Complainant was concerned that the Melrose Rural Electrification Association (Melrose REA) and its service provider, ATCO Electric, disclosed customer information to Direct Energy Marketing Limited in contravention of the *Personal Information Protection Act* (PIPA or the Act).

In 2004, as part of a sale of retail electricity assets, ATCO Electric transferred customer information of members of the Melrose REA to Direct Energy Marketing Limited (DEML). DEML took over the regulated rate tariff and billing service previously provided by ATCO Electric.

The investigation found that:

- the disclosure of personal information between the parties was done in accordance with PIPA, which allows disclosure without consent if the future use and disclosure of personal (customer) information is limited to the provision of services originally undertaken by ATCO Electric; and
- the personal information disclosed to DEML was limited to what was required to carry on the business – i.e. provide electricity and bill for services.

This report outlines organizations' privacy obligations when personal information is disclosed through mergers, acquisitions and other similar business transactions.

Commissioner cracks down on businesses whose practices assist identity thieves

(November 2004)

Following an Edmonton Police Service investigation where two people were charged in a credit check investigation, the Office of the Information and Privacy Commissioner announced it would crack down on businesses whose practices aid identity thieves.

The police found information consisting of sensitive personal financial information of individuals, such as cell phone contracts, credit information held by a debt collection agency, bank account information, and return of goods slips with detailed credit card information. In the hands of unauthorized persons, personal information of this kind can be used to steal identities and open bank accounts, make credit card charges, rent vehicles, and redirect mail, among other things.

"Businesses are making it too easy for identity thieves," said Commissioner Frank Work. "It is a priority of this office to stop businesses from engaging in practices that put Albertans' personal information at risk," added the Commissioner.

Organizations under Alberta's *Personal Information Protection Act* and Section 34 in particular, are obligated to safeguard personal information especially when disposing of or destroying information.

The Commissioner reminded organizations of the risks that result from insecure disposal and destruction of personal information.

Alberta's Information and Privacy Commissioner undertakes review of public sector outsourcing

(December 2004)

The Information and Privacy Commissioner announced that his office will be working jointly with the Government of Alberta to examine the implications of public sector outsourcing for the personal information of Albertans. "Outsourcing" in this context referred to contracting out business functions that involve Albertans' personal information.

The review followed on the British Columbia report titled, *Privacy and the USA Patriot Act, Implications for British Columbia Public Sector Outsourcing.* British Columbia's Information and Privacy Commissioner released the 151-page report on October 29.

Under an arrangement between the Office of the Information and Privacy Commissioner and Alberta Government Services, a working group would identify current outsourcing arrangements with contractors outside of Canada and identify current outsourcing arrangements with contractors inside Canada, but affiliated with entities outside of Canada. The review would include provincial and municipal governments, certain police forces, school boards and regional health authorities, among others.

The review would consist of three parts. First, outsourcing agreements will be identified. Second, the potential for unintended disclosure of personal information to foreign law enforcement agencies would be assessed. Finally, measures that could be taken to reduce unintended disclosures would be identified, and recommended to Government.

The Commissioner expects to publicly release his findings and recommendations in early 2006. In September 2004, Commissioner Work stated that his Office would review public sector outsourcing in Alberta once the B.C. report

was released, and assess "what the risks are with respect to the personal information of Albertans, and what remedies there might be."

Joint investigation confirms breaches of provincial/federal legislation

(December 2004)

For the first time, the Office of the Information and Privacy Commissioner of Alberta (OIPC) and the Office of the Privacy Commissioner of Canada (OPC) have collaborated in conducting parallel investigations and determined that misdirected faxes sent to an Alberta couple were in contravention of provincial and federal privacy laws.

On July 1, 2004, an article appeared in an Edmonton newspaper reporting that a local couple had received numerous faxes in error. The article suggested the errant faxes may have pertained to communications between health service providers and may have also contained health information about identifiable individuals.

A preliminary investigation determined that several of the parties who were responsible for sending the records are not subject to Alberta's *Health Information Act*. However, some of the information fell under federal jurisdiction through the *Personal Information Protection and Electronic Documents Act*.

The results of both investigations determined that human error was responsible for the privacy breaches. The OIPC and the OPC recommended that the organizations implement additional measures to protect personal information including a process whereby individuals may be notified when their personal information has been inadvertently disclosed when facsimiles have been transmitted and received at an incorrect facsimile number.

Recently, Alberta's Information and Privacy Commissioner asked the Select Special Health Information Act Review Committee to provide his Office with additional powers to enter into extra-provincial agreements. These powers are intended to be used where more than one jurisdiction may be involved in investigation of the same matter. The Committee recommended this matter be deferred to a new Committee of the Legislature early in 2005.

Investigations find Alberta businesses failed to protect personal information from identity thieves

(February 2005)

Investigations by the Office of the Information and Privacy Commissioner (OIPC) found that three Alberta businesses failed to protect personal information in their custody.

On November 24, 2004, Edmonton Police Service (EPS) notified the OIPC that documents containing personal information from a number of Alberta businesses were found during a police investigation. Some of the records were found in a motel room; others were subsequently turned over to police by two individuals charged with credit card fraud. The records included return of goods slips, debtor account files from a collection agency, and cell phone contracts. Personal information in the records included Social Insurance Numbers, bank account information, credit card numbers, and customer signatures.

In response to the information from EPS, Information and Privacy Commissioner Frank Work initiated investigations of Linens 'N Things, Nor-Don Collection Network Inc., and Digital Communications Group Inc., under the *Personal Information Protection Act* (PIPA or the Act).

PIPA applies to private sector organizations in Alberta, and requires them to protect personal information against such risks as unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction. The investigators found that these businesses failed to protect personal information in their custody.

Recommendations from the investigations required all three organizations to contact the individuals whose information was, or may have been, exposed to identity theft. In at least one case this meant contacting hundreds of customers.

Additional recommendations required the organizations to:

- ensure all records containing personal information are stored securely,
- limit access to personal information to staff on a "need-to-know" basis,
- develop procedures for storage, retention and destruction of personal information, and
- provide privacy and security training/awareness for employees.

One organization was also required to obtain computer equipment to obscure credit card numbers printed on receipts and return slips.

Photocopiers and fax machines latest security risk

(March 2005)

The Office of the Information and Privacy Commissioner was the first Commissioner's Office to alert the public about how the newer generation of office equipment such as digital photocopiers and fax machines can pose a security risk for organizations.

Digital photocopiers and fax machines bought or leased in recent years may contain hard drives or memory chips. Like a computer, those hard drives and memory chips can record and store data that has been photocopied or faxed.

"Increasingly, office equipment has moved toward digital-based technology producing office machines with more features and greater capability," said Information and Privacy Commissioner Frank Work. "However, this new equipment also comes with some potential security issues regarding how data is handled and stored," he added.

Personal information, health information and other confidential business information of an organization stored on the machine's hard drive can be at risk for unauthorized access or disclosure when the machine is serviced, returned at the end of a lease or sold. Unauthorized access or disclosure of personal information is a breach of provincial privacy legislation.

To understand and guard against the security risk posed by digital photocopying, fax machines, or multifunction devices (i.e. copier, scanner, printer, fax in one unit), organizations should be aware of this potential security risk, and take appropriate measures to protect their data. Both the organization which puts the personal information on the machine and the vendor of the machine are responsible for the information on it.

FINANCIAL STATEMENTS AS AT MARCH 31, 2005

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AUDITOR GENERAL
Alberta

Auditor's Report

To the Members of the Legislative Assembly

I have audited the statement of financial position of the Office of the Information and Privacy Commissioner as at March 31, 2005 and the statements of changes in net liabilities, operations, and cash flow for the year then ended. These financial statements are the responsibility of the Office's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Office as at March 31, 2005 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

Fred J. Dunn FCA
Auditor General

Edmonton, Alberta
June 24, 2005

STATEMENT OF FINANCIAL POSITION
AS AT MARCH 31, 2005

	2005	2004
ASSETS		
Current assets		
Cash	$ 250	$ 250
Accounts receivable	613	-
Prepaid expenses	25,556	27,308
Total current assets	26,419	27,558
Tangible capital assets (Note 4)	320,806	313,766
	$ 347,225	$ 341,324
LIABILITIES AND NET LIABILITIES		
Current liabilities		
Accounts payable	$ 441,627	$ 281,307
Accrued vacation pay	260,406	232,406
Total current liabilities	702,033	513,713
Net liabilities	(354,808)	(172,389)
	$ 347,225	$ 341,324

The accompanying notes and schedule are part of these financial statements.

STATEMENT OF CHANGES IN NET LIABILITIES FOR THE YEAR ENDED MARCH 31, 2005

	2005	2004
Net liabilities at beginning of year	$ (172,389)	$ (85,093)
Net operating results	(3,923,733)	(3,479,923)
Net transfer from general revenues	3,741,314	3,392,627
Net liabilities at end of year	$ (354,808)	$ (172,389)

The accompanying notes and schedule are part of these financial statements.

STATEMENT OF OPERATIONS
FOR THE YEAR ENDED MARCH 31, 2005

	2005 Budget (Note 6)	2005 Actual	2004 Actual Restated
Revenues			
Shared services - Office of the Ethics Commissioner		$ 12,240	$ 22,243
Other revenue		333	398
Prior year expenditure refund		136	779
Total Revenue		12,709	23,420
Expenses			
Voted			
Salary, wages, and employee benefits		3,324,057	2,739,168
Supplies and services		579,361	703,512
	$ 4,072,000	3,903,418	3,442,680
Non-budgetary			
Capitalization of assets expensed as supplies		(121,882)	(102,958)
Amoritization of capital assets		114,809	116,987
Shared Services - Office of the Ethics Commissioner		12,240	22,243
Loss (Gain) on disposal of capital assets		(143)	(61)
		5,024	36,211
Valuation adjustment			
Provision for vacation pay		28,000	24,452
Total Expenses		3,936,442	3,503,343
Net operating results		$ (3,923,733)	$ (3,479,923)

The accompanying notes and schedule are part of these financial statements.

STATEMENT OF CASH FLOW
FOR THE YEAR ENDED MARCH 31, 2005

	2005	2004
Operating transactions		
Net operating results	$ (3,923,733)	$ (3,479,923)
Non-cash items included in net operating results		
Amortization of capital assets	114,809	116,987
Gain on disposal of capital assets	(143)	(61)
	(3,809,067)	(3,362,997)
(Increase) decrease in accounts receivable	(613)	803
Decrease (increase) in prepaid expense	1,752	(4,574)
Increase in accounts payable	160,320	52,586
Increase in accrued vacation pay	28,000	24,452
Cash applied to operating transactions	(3,619,608)	(3,289,730)
Capital transactions		
Disposal of capital assests	176	61
Acquisition of capital assets	(121,882)	(102,958)
Cash applied to capital transactions	(121,706)	(102,897)
Financing transactions		
Net transfer from general revenues	3,741,314	3,392,627
Increase (decrease) in cash	-	-
Cash, beginning of year	250	250
Cash, end of year	$ 250	$ 250

The accompanying notes and schedule are part of these financial statements.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED MARCH 31, 2005

Note 1 Authority

The Office of the Information and Privacy Commissioner is operated under the authority of the *Freedom of Information and Protection of Privacy Act* . The net cost of the operations of the Office is borne by the General Revenue Fund of the Province of Alberta. Annual operating budgets are approved by the Select Standing Committee on Legislative Offices.

Note 2 Purpose

The Office of the Information and Privacy Commissioner administers the following legislation governing access to information and protection of privacy:

Freedom of Information and Protection of Privacy Act
Health Information Act
Personal Information Protection Act

The major operational purposes of the Office of the Information and Privacy Commissioner are:

To facilitate the resolution of matters dealing with access to information and protection of personal privacy under the three relevant Alberta statutes,

To advocate protection of privacy for Albertans,

To advance open and accountable government in all Alberta public bodies

Note 3 Summary of Significant Accounting Policies and Reporting Practices

These financial statements are prepared in accordance with Canadian generally accepted accounting principles:

a) Reporting Entity

The reporting entity is the Office of the Information and Privacy Commissioner, for which the Information and Privacy Commissioner is responsible.

The Office operates within the General Revenue Fund. The Fund is administrated by the Minister of Finance. All cash receipts of the Office are deposited into the Fund and all cash disbursements made by the Office are paid from the Fund. Net transfers from general revenues is the difference between all cash receipts and all cash disbursements made.

b) Basis of Financial Reporting

Revenues

All revenues are reported on the accrual basis of accounting.

Expenses

Expenses represent the costs of resources consumed during the year on the Office's operations.

Valuation Adjustments

Valuation adjustments include changes in the valuation allowances used to reflect financial assets and liabilities at their net recoverable or other appropriate value. Valuation adjustments also represent the change in management's estimate of future payments arising from obligations relating to vacation pay.

Assets

Tangible capital assets are amortized on a straight-line basis, over the estimated useful lives of the assets as follows:

Computer hardware and software	3 years
Furniture and other office equipment	10 years

The Office follows government budgetary practices which allow funds from an operating budget to be used to purchase capital assets. These purchases are included in expenses on the statement of operations, but are then removed from expenses through a non-budgetary adjustment and are capitalized and amortized over their useful lives. Assets are capitalized if their useful life is expected to be longer than 1 year and purchase price is $2,500 or greater.

Liabilities

Liabilities include all financial claims payable by the Office at fiscal year end.

Net Liabilities

Net liabilities represent the difference between the value of assets held by the Office and its liabilities.

Valuation of Financial Assets and Liabilities

Fair value is the amount of consideration agreed upon in an arm's length transaction between knowledgeable, willing parties who are under no compulsion to act.

The fair values of cash, accounts receivable, accounts payable and accrued vacation pay are estimated to approximate their book values, due to the short-term nature of these items.

c) Change in Accounting Policy

Effective April 1, 2004, the Office determined that the standards established by the CICA's Public Sector Accounting Board were the most appropriate to its objectives and circumstances. Consequently, the Office no longer treats services paid for by other entities as expenses and contributed revenue. This treatment has been applied retroactively with restatement of the comparative financial statements. This change has had no effect on the net cost of operations and the net liabilities for the current year and the prior year.

Note 4 Tangible capital assets

	2005			2004
	Cost	Accumulated Amortization	Net Book Value	Net Book Value
Computer hardware and software	$ 518,480	$ 392,615	$ 125,865	$ 139,883
Furniture and other office equipment	330,521	135,580	194,941	173,883
	$ 849,001	$ 528,195	$ 320,806	$ 313,766

Note 5 Defined Benefit Plans

The Office participates in the multiemployer pension plans, Management Employees Pension Plan and Public Service Pension Plan. The Office also participates in the multiemployer Supplementary Retirement Plan for Public Service Managers. The expense for these pension plans is equivalent to the annual contributions of $288,023 for the year ending March 31, 2005 (2004 - $240,250).

At December 31, 2004, the Management Employees Pension Plan reported a deficiency of $268,101,000 (2003-$290,014,000) and the Public Service Pension Plan reported a deficiency of $450,068,000 (2003-$584,213,000). At December 31, 2004, the Supplementary Retirement Plan for Public Service Managers had a surplus of $9,404,000 (2003-$9,312,000).

The Office also participates in a multiemployer Long Term Disability Income Continuance Plan. At March 31, 2005, the Management, Opted Out and Excluded Plan reported an actuarial surplus of $3,208,000 (2004-$1,298,000). The expense for this plan is limited to employer's annual contributions for the year.

Note 6 Budget

Expenses

2004-2005 budget[a]	$ 4,072,000
2004-2005 actual expenses (excluding valuation adjustments)	3,903,418
2004-2005 surplus (excluding valuation adjustments)	$ 168,582

(a) Legislative Assembly Estimates released on March 24, 2004

Note 7 Lease Obligations and Commitments

The Office leases certain equipment under operating leases that expire on various dates to 2008. The aggregate amount payable for the unexpired terms of these leases are as follows:

2006	$ 15,752
2007	15,536
2008	9,246
Total	$ 40,534

Note 8 Approval of Financial Statements

These financial statements were approved by the Information and Privacy Commissioner.

SALARY AND BENEFITS DISCLOSURE FOR THE YEAR ENDED MARCH 31, 2005

Schedule 1

	2005				2004
	Base Salary [1]	Other Cash Benefits [2]	Other Non-Cash Benefits [3]	Total	Total
Senior official					
Information and Privacy Commissioner [4]	$ 160,780	$ 5,982	$ 33,930	$ 200,692	$ 198,111

[1] Base salary includes pensionable contract base pay.

[2] Other cash benefits include bonuses, vacation payments, overtime and lump sum payments

[3] Other non-cash benefits include employer's share of all employee benefits and contributions or payments made on behalf of employees including CPP/EI premiums, pension, Alberta Health Care, extended medical, prescription drug and dental coverage, group life insurance, long-term disability plan, WCB, professional memberships, tuition and learning/wellness benefit.

[4] Automobile provided, no dollar amount included in other non-cash benefits figures.

SCHEDULE OF ALLOCATED COSTS FOR THE YEAR ENDED MARCH 31, 2005

Schedule 2

	2005					2004
		Expenses - Incurred by Others		Valuation Adjustments[4]		
Program	Expenses[1]	Accommodation Costs[2]	Telephone Costs[3]	Vacation Pay	Total Expenses	Total Expenses
Operations	$ 3,908,442	$ 192,031	$ 11,851	$ 28,000	$ 4,140,324	$ 3,695,727

[1] Expenses - Directly Incurred as per Statement of Operations, excluding valuation adjustments.

[2] Costs shown for Accommodation (includes grants in lieu of taxes) is allocated by square footage.

[3] Costs shown for Telephone is the line charge for each telephone number.

[4] Valuation Adjustments as per Statement of Operations. Employee benefits provision was allocated by employee.

Appendix A: Cases Opened 2004-2005 Fiscal Year By Public Body, Custodian and Organization Type

Statistics are from the period of April 1, 2004 to March 31, 2005

FOIP Public Body Type	Request for Review	Review Fees	Complaint	Privacy Impact Assessments	Advice and Direction	Time Extension	Investigation Conducted by Commissioner	Authorization to Disregard Request	Other	TOTAL
Boards	4	1	10	1	0	0	1	0	1	18
Child and Family Service Authorities	2	0	1	0	0	4	0	0	0	7
Colleges	7	0	3	0	0	0	0	0	1	11
Crown Corporation	0	0	0	1	0	0	0	0	0	1
Independent Agency	1	0	1	0	1	0	1	0	1	5
Government Ministries/Departments	66	3	21	9	2	17	1	0	10	129
Law Enforcement Agencies	32	1	9	0	0	3	1	0	2	48
Local Government Bodies	0	0	1	0	0	0	0	1	0	2
Municipalities	31	1	7	1	0	0	0	2	2	44
Premier's Office	0	1	0	0	0	1	0	0	0	2
Regional Health Authorities	10	0	0	0	0	0	0	0	0	10
School Districts	7	0	6	0	0	0	0	0	1	14
Universities	2	0	6	1	0	0	0	0	2	11
*Other	0	0	0	0	0	0	0	0	2	2
Total	**162**	**7**	**68**	**13**	**3**	**25**	**4**	**3**	**22**	**304**

*Public Body types identified as "Other" category include: Committee, Commission, Federal Department, Foundations, Hospital Board, Regional District, Society, and Tribunal

HIA Custodian Type										
Alberta Health and Wellness	3	0	3	16	0	0	2	0	2	26
Custodians Pursuant to the Regulations	2	0	0	0	0	0	0	1	0	3
Long Term Care Facilities	1	0	0	3	0	0	1	0	1	6
Pharmacies/Pharmacists	1	0	1	3	0	0	1	0	2	8
Physicians	14	0	6	148	0	0	9	2	3	182
Provincial Boards	0	0	0	1	0	0	0	0	0	1
Regional Health Authorities	19	0	11	44	1	0	2	0	4	81
Subsidiary Health Corporation	0	0	0	2	0	0	0	0	0	2
*Other Custodians	0	0	1	0	0	0	4	0	0	5
Total	**40**	**0**	**22**	**217**	**1**	**0**	**19**	**3**	**12**	**314**

*Custodian types identified as "Other" category include: Community Health Councils, Chiropractors, Dental Mechanics, Dental Surgeons, Opticians, Optometrists, Osteopaths, Podiatrists and Subsidiary Health Corporations

PIPA Organization Type										
Accommodation & Food Services	1	0	3	0	0	0	0	0	0	4
Admin & Support Services	6	0	6	0	0	0	1	0	0	13
Construction	1	0	3	0	0	0	0	0	0	4
Educational Services	1	0	4	0	0	0	0	0	0	5
Finance	0	0	6	0	0	0	1	0	0	7
Healthcare and Social Assistance	4	0	8	0	0	0	1	0	0	13
Information & Cultural Industries	1	0	3	0	0	0	1	0	0	5
Insurance Industry	3	0	8	0	0	0	0	0	0	11
Manufacturing	2	0	2	0	0	0	0	0	0	4
Mining, Oil & Gas	3	0	15	0	0	0	0	0	0	18
Professional, Scientific & Technical	5	0	9	0	0	0	0	0	0	14
Public Administration	0	0	2	0	0	0	0	0	0	2
Real Estate	3	0	16	0	0	0	1	0	0	20
Retail	10	0	14	0	0	0	1	0	0	25
Transportation	0	0	1	0	0	0	0	0	0	1
Utilities	0	0	6	0	0	0	0	0	0	6
Wholesale Trade	1	0	6	0	0	0	0	0	0	7
*Other Services	13	0	16	0	0	0	0	0	0	29
Total	**54**	**0**	**128**	**0**	**0**	**0**	**6**	**0**	**0**	**188**

*Other Services include repair, personal care, beauty shops, unions, parking lots, religious organizations, business associations, political organizations, professional organizations and condo boards

AMVIR Public Body Type										
*Government Ministries/Departments	7	0	0	0	0	0	0	0	0	7
Total	**7**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**7**

*All cases with Alberta Registries.

AMVIR Statistics are from the time period the Legislation came into force May 12, 2004 to March 31, 2005.

**Case types identified in the "Other" category include: Requests for Information, Comments on Schemes and Programs, Research Proposal Agreements, Data Sharing Agreements and Non-jurisdictional.

Appendix B: Cases Closed 2004-2005 Fiscal Year By Public Body, Custodian and Organization Type

Statistics are from the period of April 1, 2004 to March 31, 2005

FOIP Public Body Type	Request for Review	Excess Fees	Complaint	Privacy Impact Assessments	Advice and Direction	Time Extension	Investigation Generated by Commissioner	Authorization to Disregard Request	Other	TOTAL
Boards	10	1	6	1	0	0	1	0	1	20
Child and Family Service Authorities	3	0	2	0	0	4	0	1	0	10
Colleges	5	0	2	0	0	0	0	0	0	7
Crown Corporation	0	0	0	1	0	0	0	0	0	1
Government Ministries/Departments	56	3	16	9	1	14	1	1	8	109
Independent Agency	0	0	1	0	1	0	0	0	2	4
Law Enforcement Agencies	31	4	1	0	0	3	0	0	1	40
Local Government Bodies	0	0	0	0	0	0	0	2	0	2
Municipalities	24	1	8	0	0	0	0	2	1	36
Premier's Office	0	2	0	0	0	1	0	0	0	3
Regional Health Authorities	5	0	2	0	0	0	0	0	1	8
School Districts	4	0	7	0	0	0	0	0	1	12
Universities	6	0	1	0	0	0	0	0	2	9
*Other	0	0	0	0	0	0	0	0	2	2
Total	**144**	**11**	**46**	**11**	**2**	**22**	**2**	**6**	**19**	**263**

*Public Body types identified as "Other" category include: Committees, Commissions, Federal Departments, Foundations, Hospital Boards, Regional Districts, Societies, and Tribunals.

HIA Custodian Type										
Alberta Health and Wellness	2	0	0	13	0	0	1	0	2	18
Custodians Pursuant to the Regulations	2	0	0	0	0	0	0	1	0	3
Long Term Care Facilities	0	0	0	2	0	0	2	0	1	5
Pharmacies/Pharmacists	0	0	1	1	00	0	2	4		
Physicians	15	0	7	149	0	0	9	2	3	185
Provincial Boards	0	0	0	2	0	0	0	0	0	2
Regional Health Authorities	16	0	3	44	1	0	3	0	4	71
Subsidiary Health Corporation	0	0	1	2	0	0	1	0	0	4
*Other Custodians	0	0	1	1	0	0	5	0	0	7
Total	**35**	**0**	**13**	**214**	**1**	**0**	**21**	**3**	**12**	**299**

*Custodian types identified as "Other" category include: Community Health Councils, Chiropractors, Dental Mechanics, Dental Surgeons, Opticians, Optometrists, Osteopaths, Podiatrists and Subsidiary Health Corporations.

PIPA Organization Type										
Accommodation & Food Services	1	0	2	0	0	0	0	0	0	3
Admin & Support Services	4	0	3	0	0	0	1	0	0	8
Construction	1	0	0	0	0	0	0	0	0	1
Educational Services	1	0	4	0	0	0	1	0	0	6
Finance	0	0	2	0	0	0	0	0	0	2
Healthcare & Social Assistance	5	0	6	0	0	0	0	0	0	11
Information & Cultural Industries	0	0	2	0	0	0	1	0	0	3
Insurance Industry	2	0	5	0	0	0	0	0	0	7
Manufacturing	1	0	3	0	0	0	0	0	0	4
Mining, Oil & Gas	2	0	4	0	0	0	0	0	0	6
Professional, Scientific & Tech	1	0	4	0	0	0	0	0	0	5
Public Administration	0	0	1	0	0	0	0	0	0	1
Real Estate, Rental & Leasing	2	0	9	0	0	0	0	0	0	11
Retail	7	0	6	0	0	0	0	0	0	13
Transportation	0	0	3	0	0	0	0	0	0	3
Utilities	0	0	5	0	0	0	0	0	0	5
Wholesale Trade	1	0	4	0	0	0	0	0	0	5
*Other Services	7	0	6	0	0	0	0	0	0	13
Total	**35**	**0**	**69**	**0**	**0**	**0**	**3**	**0**	**0**	**107**

*Other Services include: repair, personal care, beauty shop, unions, parking lots, religious organizations, business associations, political organizations, professional organizations, condo boards.

AMVIR Public Body Type										
*Government Ministries/Departments	2	0	0	0	0	0	0	0	1	3
Total	**1**	**0**	**0.**	**0**	**0**	**0**	**0**	**0**	**2**	**3**

*All cases with Alberta Registries.
AMVIR Statistics are from the time period the Legislation came into force May 12, 2004 to March 31, 2005.
**Case types identified in the "Other" category include: Requests for Information, Comments on Schemes and Programs, Research Proposal Agreements, Data Sharing Agreements and Non-jurisdictional.

Appendix C: Orders and Public Investigation Reports Issued

All Statistics are from the period April 1, 2004 to March 31, 2005

FOIP Public Body	Orders	Public Investigation Reports	TOTAL
Alberta Environment	1	0	1
Alberta Innovation and Science	1	0	1
*Alberta Justice	1	0	1
*Alberta Learning	1	0	1
Alberta Solicitor General	0	2	2
*Calgary Police Service	3	0	3
City of Calgary	2	0	2
Conseil Scolaire Catholique et Francophone du Sud	0	1	1
Edmonton Police Service	1	0	1
Edmonton Public School Board District No. 7	1	0	1
Executive Council	1	0	1
Grant MacEwan College	1	0	1
Lethbridge Police Service	1	0	1
*Medicine Hat Police Service	1	0	1
Mount Royal College	1	0	1
Northern Alberta Institute of Technology (NAIT)	0	1	1
Personnel Administration Office	0	2	2
University of Alberta	1	0	1
University of Calgary	1	0	1
*Workers' Compensation Board	2	0	2
Sub-total	**20**	**6**	**26**

HIA Custodian			
Dr. Morage E. Goldie	1	0	1
Dr. Salma B. Murji	1	0	1
Misdirected Faxes	0	1	1
Sub-total	**2**	**1**	**3**

PIPA Organization			
Digital Communications Group Inc.	0	1	1
EPCOR	0	1	1
Linens 'N Things	0	1	1
Nor-Don Collection Network Inc.	0	1	1
Melrose Rural Electrification Association, ATCO Electric & Direct Energy Marketing Limited	0	1	1
Sub-total	**0**	**5**	**5**

AMVIR Public Body			
N/A	1	0	1
Sub-total	**1**	**0**	**1**

Total	23	12	35

AMVIR Statistics are from the time period the Legislation came into force May 12, 2004 to March 31, 2005.

FOIP Orders: 20 (total of 27 cases)

HIA Orders: 2 (total of 3 cases)]

Note: Some Orders and/or Report Numbers were assigned to more than one case.

Note: Orders are recorded by the date the Order was signed, rather than the date the Order was publicly released.

Note: *Under the legislation, only certain case types can proceed to inquiry if the matters are not resolved at mediation/investigation. The above statistics are those case types that can proceed to inquiry (Request for Review and Complaint files).

Please refer to Tables 1 and 2 and Appendices A and B for total cases opened and closed.

A copy of all Orders and Investigation Reports are available on the Office's web site www.oipc.ab.ca

Appendix D: Accepted Privacy Impact Assessments by Public Body and Custodian Type: 2004 - 2005

All statistics are for the period of April 1, 2004 - March 31, 2005

Public Body	PIA Title	Date Accepted
[redacted]		
Provincial Persons with Developmental Disabilities Board	Addition of Abuse Prevention and Response Protocol Data Tracking System Module	Jul/7/2004
[redacted]		
Advanced Education	Alberta Centennial Education Savings Plan	Jan/4/2005
Alberta Children's Services	Children and Youth with Complex Needs Tracking System	May/27/2004
	Family Support for Children with Disabilities Information System (FSCDIS)	Dec/8/2004
Alberta Government Services	Internet Fines Payment System	Jul/30/2004
	SPIN 2 (Phase 2) Intelligent Documents Project	Jan/7/2005
Alberta Human Resources and Employment	Income Verification Information Exchange Program	Nov/23/2004
Alberta Learning	Pilot Project on Priority Processing of International Students to Designated Alberta Post-Secondary Institutions	Oct/27/2004
Alberta Justice	Maintenance Enforcement Program - Help Us Find Web Site	Nov/4/2004
[redacted]		
Alberta Research Council	Security Screening Directive for the Alberta Research Council	Jul/26/2004
Office of the Corporate Chief Information Officer	Government of Alberta: Information and Communications Technology (ICT) Operations	Jul/16/2004
Custodian	**PIA Title**	**Date Accepted**
[redacted]		
Aspen Regional Health Authority	Organizational Privacy PIA	Dec/8/2004
Calgary Health Region	Calgary Health Link Addendum	Sep/1/2004
	CHR Human Resources Management System (HRMS) Strategic Partner Solution	Oct/20/2004
	Eating Disorder Program Database	Apr/22/2004
	EMS - (ECG) MUSE Repository	Feb/10/2005
	HIA Electronic Delivery of Laboratory Results	Oct/25/2004
	Laboratory Clinical Data Repository (LCDR)	Jan/19/2005
	Operative Services Information System (OSIS)	Apr/16/2004
	Phase 1 Chronic Disease Management Information System (CDMIS)	Jul/27/2004
	Picture Archiving & Communication System	Sep/21/2004
	Pharmacy System Replacement	Feb/23/2005
	Southern Alberta Renal Program Database	Jan/14/2005
Capital Health	Capital Health Link Expansion	Sep/27/2004
	Capital Health's Organizational Privacy Management (Part A)" Amendment	Jan/4/2005
	CBORD Nutrition Services Suite - Royal Alexandra Hospital and Glenrose Rehabilitation Hospital Diet Automation	Aug/10/2004
	Community Care Client Concerns Database	Jan/6/2005
	EndoWorks Image Manager Pilot Project - RAH	Dec/17/2004
	Integrated Public Health Information System - TB Case Management	Jan/17/2005
	NetCARE (Electronic Health Record Clinical Portal)	Jul/30/2004
	NetCare (Electronic Health Record Clinical Portal) Amendment #1	Dec/31/2004
	Picalere Internet-Based Wound Management System	Sep/17/2004
	Regional Palliative Care Program Database	Jul/30/2004
	Strata Health Path Ways Waitlist Management Project	Apr/15/2004
	Urgent Care Line (UCL)	Sep/27/2004
	Virtual Asthma Clinic - Internet Based Asthma Management Program	Feb/10/2005
David Thompson Health Region	AppointmentPro Scheduling System	Aug/10/2004
	Laboratory Data Delivery to Physician Office Systems	Oct/5/2004
	Telehealth	Oct/19/2004
	Nurse/Physician Collaborative Partnership	Apr/14/2004
	Organizational Privacy Management Privacy Impact Assessment	Nov/30/2004
	Public Health Information System (PHIS)	Jul/30/2004
	Transcription Telecommuting	Nov/30/2004
East Central Health	East Central Health's Organizational Privacy Management (Part A)	Jan/20/2005
Northern Lights Health Region	Holter Monitoring	Jul/7/2004
	Organizational Privacy PIA	Oct/15/2004
Palliser Health Region	Addendum for the New Information Systems Project	Mar/16/2005
	Adverse Event Management Systems (AEMS)	Jan/6/2005
	PHR Continuum Solutions Discharge Planning System	Aug/6/2004
	Picture Archival and Communication System (PACS)	Dec/23/2004

Custodian	PIA Title	Date Accepted
Physicians		
Bonaventure Medical Clinic	Physician Office System	Apr/14/2004
Lynnwood Clinic	Physician Office System	Jul/20/2004
Drs. Olsen, Hastings & Evans	Physician Office System	Nov/30/2004
Pembina Medical Clinic	Physician Office System	Dec/21/2004
Dr. James R. Adams PC	Physician Office System	Oct/21/2004
Dr. A. McDonald	Physician Office System	Oct/20/2004
Dr. Bradley Stewart	Physician Office System	Oct/25/2004
Dr. Robert W. Bradstock	Physician Office System	Oct/25/2004
Dr. Steven M. Edworthy U of C	Physician Office System	Apr/15/2004
Vulcan Medical Clinic	Physician Office System	Apr/7/2004
Valley Medical Clinic	Physician Office System	Sep/24/2004
Garneau Lung Laboratory Inc	Physician Office System	Jun/15/2004
Oliver Eye Centre	Physician Office System	May/7/2004
Calgary Women's Imaging Centre	Physician Office System	Apr/14/2004
Cottage Medical Clinic	Physician Office System	Oct/20/2004
Bonnyville Medical Clinic	Physician Office System	Jul/19/2004
Dr. David Cenaiko PC	Physician Office System	Sep/13/2004
Bow River Medical Clinic	Physician Office System	Apr/22/2004
Dr. A. Voth & Dr. R. Chea	Physician Office System	Sep/14/2004
Meridian Medial Clinic	Physician Office System	Sep/13/2004
Dr. Francois Malan PC	Physician Office System	Jul/30/2004
Dr. John P. McKaigney – U of A	Physician Office System	Oct/20/2004
Dr. Martin C. Harvey PC	Physician Office System	Apr/23/2004
Orthopedic Associates	Physician Office System	Apr/1/2004
University Health Centre	Physician Office System	Apr/21/2004
Behm Clinic	Physician Office System	Apr/2/2004
Westview Medical Office	Physician Office System	Jul/6/2004
CUPS Community Health Centre	Physician Office System	Jun/2/2004
The Medical Centre	Physician Office System	Apr/21/2004
Radiology Associates Inc	Physician Office System	Apr/2/2004
Dr. Tewodros Mequanent	Physician Office System	May/26/2004
Dr. Anthony S. K. Chiu	Physician Office System	Apr/23/2004
Drumheller Associated Physicians	Physician Office System	Sep/24/2004
Alpine Medical Clinic	Physician Office System	Jul/30/2004
Dr. Janis P. Campbell PC	Physician Office System	Nov/22/2004
Dr. Tom Y. Woo PC	Physician Office System	Nov/19/2004
Storwick Dermatology – Laser Clinic	Physician Office System	Apr/23/2004
Midoc – Bonavista Medical Centre	Physician Office System	Jun/16/2004
Wild Rose Medical Centre	Physician Office System	Sep/17/2004
Impact Health Services	Physician Office System	Jun/4/2004
Dr. Joel D. Steed PC	Physician Office System	Oct/20/2004
Dr. Magnus Murphy PC	Physician Office System	Apr/23/2004
Alberta Retina Consultants	Teleophthalmology Services	Oct/18/2004
Alberta Retina Consultants	Physician Office System	Dec/13/2004
Sylvan Lake Medical Clinic	Physician Office System	Apr/13/2004
Oyen Medical Clinic	Physician Office System	Feb/25/2005
Family Medical Centre	Physician Office System	Dec/21/2004
High Level Medical Clinic	Physician Office System	Apr/13/2004
Dr. D. Burger Clinic	Physician Office System	May/3/2004
Dr. Toni R. Winder PC	Physician Office System	Nov/9/2004
Pleasantview Medical Clinic	Physician Office System	Jul/7/2004
Dr. Kelly Diane Dabbs	Physician Office System	Apr/29/2004
Dr. Robert H. Brown	Physician Office System	Jun/2/2004
Grove Plaza Medical Centre	Physician Office System	May/10/2004
Meadowbrook Medical Clinic	Physician Office System	May/19/2004
Drs. May, Yemen & Associates	Physician Office System	Oct/21/2004
Grandin Medical Clinic	Physician Office System	Feb/28/2005
Cold Lake Health Centre	Physician Office System	Jul/7/2004
Allied Site Airdrie Medical Clinic	Physician Office System	Nov/19/2004
Allied Site Airdrie Medical Clinic	Physician Office System	Nov/19/2004

Custodian	PIA Title	Date Accepted
Physicians		
UCMC Sunridge Medical Clinic	Physician Office System	Nov/19/2004
Crowfoot Village Family Practice	Physician Office System	Jul/27/2004
Dr. Garth Campbell	Physician Office System	Aug/31/2004
Crowsnest Medical Clinic	Physician Office System	Dec/13/2004
Canmore Medical Clinic & Laser Clinic	Physician Office System	Jun/10/2004
Properties Medical Clinic	Physician Office System	Jun/16/2004
Hanna Medical Clinic	Physician Office System	Jun/16/2004
Dr. Stuart A. Ross	Physician Office System	Nov/19/2004
Integrative Medicine Institute of Canada	Physician Office System	Jun/23/2004
Central Alberta Medical Imagining Services Ltd.	Physician Office System	Aug/31/2004
Dr. Duncan McCubbin	Physician Office System	Sep/24/2004
Associated Medical Clinic – St. Paul	Physician Office System	Aug/31/2004
Dr. Diana Wong PC	Physician Office System	Oct/20/2004
Sylvan Family Health Centre	Physician Office System	Jan/14/2005
Ermineskin Medical Clinic	Physician Office System	Oct/20/2004
Brentwood Medical Walk-In Clinic	Physician Office System	Jan/14/2005
Downtown Medical Clinic	Physician Office System	Jan/17/2005
Medical Clinic Inglewood	Physician Office System	Oct/20/2004
Towers Medical Associates	Physician Office System	Sep/14/2004
Dr. Su-Chong Lim	Physician Office System	Oct/21/2004
U of A – Family Medicine Clinic	Physician Office System	Jul/27/2004
Valley Ridge Family Physicians	Physician Office System	Jul/28/2004
Centre for Sleep & Human Performance	Physician Office System	Sep/13/2004
Hillcrest Medical Associates	Physician Office System	Jul/28/2004
T.J. Medical Associates	Physician Office System	Oct/20/2004
Terra Losa Medical Clinic	Physician Office System	Sep/23/2004
General & Laparoscopic Surgery	Physician Office System	Feb/10/2005
Aurora Medical Clinic	Physician Office System	Jul/28/2004
17th Avenue Southeast Medical Centre	Physician Office System	Aug/30/2004
Dr. Hamza N. Khan Medical Clinic	Physician Office System	Nov/24/2004
Dr. Donald B. Davis PC	Physician Office System	Oct/20/2004
C-era Medical Clinic	Physician Office System	Nov/19/2004
Simons Valley Family Clinic	Physician Office System	Sep/14/2004
Parkland Medical Associates	Physician Office System	Feb/7/2005
Fort Medical Clinic	Physician Office System	Mar/31/2005
Dr. Jerry Pelletier PC	Physician Office System	Oct/20/2004
South Shore Medical Centre	Physician Office System	Sep/17/2004
Dr. Albert Rosengarten, Obstetrics & Gynecology Surgery	Physician Office System	Mar/10/2005
Crescent Heights Medical Clinic	Physician Office System	Sep/23/2004
Family Medicine Clinic	Physician Office System	Feb/22/2005
Palisades Medical Clinic	Physician Office System	Sep/27/2004
Dr. Shawkat S. Michel	Physician Office System	Nov/19/2004
PAEDS Clinic	Physician Office System	Dec/13/2004
Critical Care Clinic	Physician Office System	Feb/2/2005
Centre for Preventive Medicine	Physician Office System	Jan/17/2005
Surgicorp Inc.	Physician Office System	Feb/1/2005
Dr. Thomas Mohanraj	Physician Office System	Nov/1/2004
Mission Medical Clinic	Physician Office System	Nov/1/2004
Nottingham Medical Clinic & Weight Management Clinic	Physician Office System	Nov/2/2004
Associated Medical Clinic – Airdrie	Physician Office System	Dec/8/2004
Dr. Carolyn M.B. Skov PC	Physician Office System	Jan/4/2005
Dr. Stephen Genuis	Physician Office System	Nov/19/2004
Dr. Owen Yuen & Dr. Elisabeth Woolner	Physician Office System	Jan/24/2005
Associate Clinic – High Prairie	Physician Office System	Dec/3/2004
Dr. Walter K. Gjosund	Physician Office System	Dec/22/2004
Northern Lung Function Ltd.	Physician Office System	Jan/4/2005
Yellowbird Family Clinic	Physician Office System	Jan/11/2005
Laupland PC & Associates	Physician Office System	Jan/17/2005

Custodian	PIA Title	Date Accepted
Physicians		
Walk-In Medical Clinic	Physician Office System	Jan/14/2005
Dr. E. Harris	Physician Office System	Dec/15/2004
Dr. Jorge Mayo PC	Physician Office System	Jan/24/2005
Dr. John Edward Holland	Physician Office System	Dec/15/2004
Dr. Bruce W. Jespersen PC	Physician Office System	Feb/1/2005
Dr. Eric Schloss	Physician Office System	Jan/21/2005
Dr. F.M. Squires	Physician Office System	Feb/22/2005
Dr. Eoin A Lalor	Physician Office System	Feb/23/2005
Dr. Pat Connick	Physician Office System	Feb/23/2005
Dr. Ronald Ray Anderson	Physician Office System	Feb/25/2005
Wainwright Clinic	Physician Office System	Feb/23/2005
Drs. Edgar, Marriott, Blaney & Khatter	Physician Office System	Feb/11/2005
Claresholm Medical Centre	Physician Office System	Jan/17/2005
Dr. Amelia Correia Medical Clinic	Physician Office System	Mar/10/2005
Family Medicine	Physician Office System	Feb/22/2005
Dr. William R.S. Halliday	Physician Office System	Feb/11/2005
Rimbey Medical Clinic	Physician Office System	Mar/9/2005
Dr. Gregory A. Abelseth	Physician Office System	Mar/15/2005
Weinlos Clinic	Physician Office System	Mar/30/2005
Dr. John P. Arlette	Physician Office System	Mar/16/2005
Dr. John R. Hunter and Dr. David P. Miller	Physician Office System	Mar/21/2005
Killam Medical Practice	Physician Office System	Mar/30/2005
Dr. Paul L. Martyn	Physician Office System	Mar/31/2005
Hawkwood Village Medical Clinic	Physician Office System	Mar/31/2005
Provincial Boards		
Alberta Cancer Board	New Provincial Dictation System	Apr/6/2004
	Radiology Information System (RIS)	Mar/10/2005
	Supplemental Information to the Cervical Cancer Screening (CCS) Application	May/21/2004
Alberta Mental Health Board	Children's Mental Health Wait Time Pilot Project – Data Collection	Apr/29/2004
Ministry		
Alberta Health and Wellness	TB Case Management	Dec/13/2004
	Alberta Ambulance Information Management System (AAIMS)	Mar/10/2005
	Program Enrolment and Services (PES) Project	Jan/11/2005
	Second Addendum to the Provincial Personal Health Identifier/ Person Directory	Jan/12/2005
	Business Intelligence Environment (BIE)	Nov/22/2004
	Laboratory Clinical Data Repository (LCDR)	Jan/19/2005
	Wellnet Application Implementation Database	Apr/16/2004
	Mobile Diabetes Screening Initiative (MDSI)	Mar/10/2005
	STD Case Management PIA Amendment	Sep/13/2004
	Fine Needle Aspiration Biopsy (FNAB)	Feb/8/2005
	Primary Care Initiative and the Primary Care Claims Assessment (CLASS) Enhancement Project	Dec/15/2004
	Alberta Provider Directory (ABPD) 1st Addendum	Feb/8/2005
	Contracted Mental Health Services - Minimum Dataset (CMHS-MD) Project	Mar/23/2005
Subsidiary		
Calgary Laboratory Services	Laboratory Clinical Data Repository (LCDR)	Jan/19/2005
Carewest	Pharmacy System Replacement	Feb/23/2005
Physician Office System Program	POSP, Phase 2	Jan/1/2005
Pharmacy		
Westfair Foods Ltd.	Prescription Claims Adjudication Through the BCE Emergis Electronic Business Network (BEBN)	Nov/16/2004
Operation of a Nursing Home or Hospital Not Owned by a RHA		
Caritas Health Group	Child Health Clinic Computer-Based fully interactive audio/visual therapeutic equipment	Jul/9/2004
The Good Samaritan Society	Senior Health Centre	Jun/28/04

Privacy Impact Assessments are mandatory under the Health Information Act (HIA), they are not required under the Freedom of Information and Protection of Privacy Act (FOIP), the Personal Information Protection Act (PIPA) or the Access to Motor Vehicle Information Regulation (AMVIR).

For additional information regarding the above listed PIAs, please refer to the OIPC webpage at www.oipc.ab.ca